

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANDREW WARREN RUMPLE,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-02907-JPH-DML
)	
LOUIS DEJOY,)	
)	
Defendant.)	

ORDER

Mr. Rumple has filed a complaint against his employer, the United States Postal Service, through Postmaster General Louis DeJoy. Dkt. 1. Mr. Rumple has moved to proceed *in forma pauperis*, dkt. [2], which the Court **GRANTS**. Mr. Rumple has also filed a motion requesting the Court to appoint him counsel, dkt. [3], which the Court **DENIES**. The Clerk is **DIRECTED** to send the plaintiff a motion for assistance recruiting counsel form with his copy of this Order. The Clerk is also **DIRECTED** to issue process to Defendant, and the U.S. Marshal is **DIRECTED** to serve the summons, complaint, and this Order to Defendant.

I.
Motion to Proceed *In Forma Pauperis*

Mr. Rumple's motion to proceed *in forma pauperis*, dkt. [2], is **GRANTED**. See 28 U.S.C. § 1915(a)(1). While *in forma pauperis* status allows Mr. Rumple to proceed without prepaying the filing fee, he remains liable for the full fees. *Ross v. Roman Catholic Archdiocese of Chicago*, 748 F. App'x 64, 65 (7th Cir.

2019) ("Under 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed 'without *prepayment* of fees,' . . . but not without *ever* paying fees.") (emphases in original). No payment is due at this time.

II. Motion to Appoint Counsel

"Litigants in federal civil cases do not have a constitutional or statutory right to court-appointed counsel." *Walker v. Price*, 900 F.3d 933, 938 (7th Cir. 2018). Instead, a litigant who is unable to afford counsel "may ask the court to recruit a volunteer attorney to provide pro bono representation." *Id.* (citing 28 U.S.C. § 1915(e)(1)). "Two questions guide a court's discretionary decision whether to recruit counsel: (1) 'has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so,' and (2) 'given the difficulty of the case, does the plaintiff appear competent to litigate it himself?'" *Id.* (quoting *Pruitt v. Mote*, 503 F.3d 647, 649 (7th Cir. 2007) (en banc)).

Here, Mr. Rumple has not demonstrated that he has "made a reasonable attempt to obtain counsel" or that he has "been effectively precluded from doing so." This alone justifies denial of his motion. *See Thomas v. Anderson*, 912 F.3d 971, 978 (7th Cir. 2019). Mr. Rumple has also not argued that the case's complexity "exceeds [his] capacity as a layperson to coherently present it to the judge or jury himself." *See Olson v. Morgan*, 750 F.3d 708, 712 (7th Cir. 2014) (quoting *Pruitt*, 503 F.3d at 655). Therefore, without more to justify his request, Mr. Rumple's motion to appoint counsel, dkt. [3], is **DENIED without**

prejudice.

Mr. Rumple may renew his motion for the appointment of counsel by filling out the form motion for assistance with recruiting counsel that the Court will send to him along with his copy of this Order. The Clerk is **DIRECTED** to send the plaintiff a motion for assistance recruiting counsel form with his copy of this Order.

III. Order Directing Service

The Clerk is **DIRECTED** to issue process to Defendant under Fed. R. Civ. P. 4(c). The Marshal for this District or his Deputy **SHALL SERVE** the summons, together with a copy of the complaint, dkt. 1, and a copy of this Order, on the defendant and officials designated under Fed. R. Civ. P. 4(i), at the expense of the United States.

IV. Conclusion

Accordingly, Mr. Rumple's motion to proceed *in forma pauperis*, dkt. [2], is **GRANTED**, and his motion requesting appointment of counsel, dkt. [3], is **DENIED**. The Clerk is **DIRECTED** to send the plaintiff a motion for assistance recruiting counsel form with his copy of this Order. The Court also **DIRECTS** the Clerk to issue and the U.S. Marshal to serve process on the appropriate parties.

SO ORDERED.

Date: 12/1/2020

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

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